

1859-008
Lee Co.

Chancery Causes: Josephus Grabeel vs. Anthony Johnson &

Wells, Phillips, Kirk, Ely, Caywood, Johnston, Jackson

CA - Contract Dispute
T - Property

To the Worshipfull County Court of Lee
County in Chancery sitting

Josephus Grubbs of the said County Respect-
fully represents that On the day of 18
and William Elj Thun of the said County was
seized in fee simple of a certain tract or parcel
of land lying and being in the said County of Lee
and bounded on the North and East by the lands
of Jacob Grubbs and on the South and West by the
lands of John Sims and supposed to contain
about thirty three acres And that the said William
departed this life on the day of 18 without
having disposed of the said land And that he left
the following persons who are his only heirs (viz)
William Elj jr John Elj Anthony Elj Sarah Johnson
who was Sarah Elj and Miss formerly Jane Elj
Elizabeth Jackson formerly Elizabeth Elj and Polly
Caywood formerly Polly Caywood, Your Orator states
that the husbands of Polly Caywood (viz) Caywood
Sarah Johnston. — Johnston and Jane Miss
— Miss are dead and that the said ^{Miss} William
Elj jr and Sarah Johnson are dead, and that the said
William Elj jr removed before his death from this
State and left no heirs that are known to your
Orator And that Sarah Johnson left the following
children who are her heirs (viz) John Phillips Anthony
Johnston James Johnston and — Kirk and Elizabeth
Kirk formerly Elizabeth Johnston who are also now residents
of this Commonwealth, Your Orator states that he
has bought the interest of the following persons in the
said land (viz) Elizabeth Jackson Polly Caywood John
Elj and Anthony Elj and that he has their deeds of convey-
ance (of the said land) now on record in the Clerk's office of the
County Court of this said County

Your Orator also further states that from the
size of the tract or parcels of land and the main
road leading from Jomewick to Cumberland Gap
passing through it and the particular locality of
the said land, and the number of persons that
has an interest in said land, that to divide
it among those entitled would make it wholly
valueless.

The prayer therefore of Your Orator is that
James Wells John Phillips Anthony Johnson James Johnson
and Elizabeth Kirk and the unknown heirs of William
Ely jr be made parties defendants to this bill and that
they be required to make true and perfect answer thereto
as fully as the same was again asked and they specially
interrogated thereto. And that upon a final hearing of this
Case Your Worship will make a decree requiring the
said land to be sold and the proceeds thereof divided between
those entitled according to the law of this Commonwealth
and that Your Worship will intend to Your Orator
such other and further relief as the nature of his case
may require. And as the defendants are non residents
of this Commonwealth may an order of publication
be made to them. And in duty bound he will ever pray
Ely for Compt.

Josephus Grabet

vs { Bico Chy

Antony Johnson & Others

1857 Oct. Bill filed
and order publication

Sept. 20th 1858. Comm. Report, Conf.

Oct. Conf. Nov. Conf. Dec. Conf.

1859 Jan. Reas. continued,

" Feb. & March, continued,

" April continued,

" May - June, July, Aug. & Sept.

" continued

" October - Decree

@ 646
@ 500

\$ 750

Printer 250

1496

Josephus Grable

against

Anthony Johnston and others

} decree

This day this Court came on again to be heard, and it appearing to the Court by the report of John H. Allen the Commissioner heretofore appointed in this case that the land described in said bill sold for the sum of six hundred and one dollar payable on the 17 day of August 1859 and that said sum is now due and unpaid. It is ordered adjudged and decreed that the said John H. Allen after having given a bond with good security in the sum of twelve hundred dollars to perform this decree, do proceed immediately to collect said sum of money with its interest, and ~~pay the same to those entitled~~ make distribution of the same to the persons entitled according to their respective interest, and that the cost of this suit be paid by the persons entitled to an interest in said land in proportion to their respective rights.

Josephus Carabau

us } decem

A Johnston Ration

1859 Oct, Term 409-10

No 3.

3

21

6.50

300

15.00

752

2252 1/2 com

1496 com

3758 1/2

601- aug 5/59

5

601 per

3758

563.42

6.50 com

71556.92

\$79.56

cm

Josephus Grabels
against
Anthony Johnston and Others }

Pursuant to a decree of the County
Court of Lee County, Va. at its June Term in the
year 1858 in the above Case appointing the undersigned
a Commissioner to sell the land in the bill mentioned
after giving thirty days notice of the time place and
terms of sale and to make to the purchaser a deed
of conveyance of said land. I would respectfully state
that I have in pursuance of said decree advertised
said land more than thirty days and as the decree
directed sold said land at public sale Cry before the
Court House door in Lee County Virginia on the
day of August the said being a Court day and that
Josephus Grabels was the purchaser at six hundred
and One dollar the said being the highest bid for
said land and that the said Josephus Grabels
gave his bond to me for the payment of the same with
Jacob Grabels as his surety and that on the 14th day
of Sept: 1858 I made the said Josephus Grabels
a deed of conveyance of said land as required by
said decree and of which is Respectfully submitted
John H Allen

Josephus Grabels
against
Anthony Johnston & Others

This day this Cause came on to be heard upon
the report of the Commissioner & the papers formerly read
in said Cause and the Court doth order adjudge and
decree that the report of the Court be confirmed and
this Cause is continued until a future term of this Court

Josephus Grabel

vs 3 Deuce

Anthony Johnston

Order Book 204
Sept 1858

No 2

Josephus Gracie

against

Anthony Johnson & others

Deceit

This day this Cause came on to be heard upon the bill of the Complainant being filed and it appearing to the Court by the return of the Sheriff of this County that the Defendants who reside within this Commonwealth have been legally and regularly summoned and notified of the pendency of this suit, and they having failed to appear and plead answer or demurr to said bill, the Court doth order adjudged and decreed that the bill of the Complainant be taken as confessed as to them. And it also appearing to the Court by satisfactory evidence that the Defendants who reside out of this Commonwealth have been legally and regularly notified of the pendency of this suit as they by a legal publication and notice to them for more than 24 months previous to their coming there law decrees, and they having failed to appear and plead answer or demurr to said bill the Court doth order adjudged and decreed that the bill of the Complainant be taken as confessed as to them. And the Court doth further order adjudged and decreed that the said land in the bill mentioned be sold at public sale by the Court house doors of this County on a credit of 12 months after having given thirty days notice of the time and place and terms of sale and that John H. Allen as Sheriff of this County be appointed a special Commissioner to make sale of said land, and to make to the purchaser a deed of conveyance of said land with a lien thereon for the purchase money and that he take from the purchaser a bond with good security for the purchase money of said land payable to himself as Sheriff and Commissioner as aforesaid, and that he make report to a future term of this Court of his sale when said conveyance and security unless which time this Cause is continued

Josephus Gracill

us { Decid
}

Anthony Johnson & others

Not

Know all Men by These presents That we John H Allen and
James T Loyd are held and firmly bound unto Josephus Grabill
and His heirs and legal representatives of William Ely deceased in
The sum of Twelve hundred dollars for value Received Witness
Our hands and seals This 17th day of October 1855

The Condition of The above Obligation is such That whereas
Josephus Grabill did on the 17th day of October 1857 obtain
a decree in The County Court of Sed County Virginia against
Anthony Johnson and others for The Collection and distribution
of The Money that stood in said Grabill's late inventory sold for
~~and to have said Money distributed among The parties entitled~~
of The parties entitled and whereas The said Allen has been
appointed a Commissioner by said decree To Collect said
Money and distribute it among The parties entitled
Now if The said Allen shall well and truly perform said
decree Then This bond to be void otherwise to remain in
full force

John H Allen (Seal)
James T Loyd (Seal)

Bond

100000

VIRGINIA.---At Rules held in the Clerk's office of the County court of Lee, on Monday, the 2d day of November, 1857,
Josephus Grabeel,

Complt.

against
Anthony Johnson and others,

Defts.

In Chancery.

The object of this suit is to obtain a decree of the court for the sale of the land in the bill mentioned, and the proceeds of said sale to be divided between the parties interested; and it appearing by satisfactory evidence that James Wells, John Philips, Anthony Johnson, James Johnson, Elizabeth Kirk, and the unknown heirs of William Ely, Jr., deceased, are not inhabitants of this commonwealth; it is ordered that the said defendants do appear here within one month after due publication of this order, and answer the bill of the complainant, or do what is necessary to protect their interest; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth for four successive weeks, and posted at the front door of the courthouse of Lee county.

A copy—Teste,

March 13—4w.

J. W. S. MORISON, c. c.

Abingdon, May 7, 1858.

This is to certify that the Order of Publication, a copy of which is annexed, was printed in the Abingdon Democrat, once a week for four successive weeks,

A. M. & A. A. Baker,

Eds Democrat.

Pro. fee \$2.50

The above has been also sent to Mr. J. W. S. Morison some 3 or 4 weeks since, but at your request we send another.

A. M. & A. A. B.

Order Publication